


BENJAMIN A. KAHN
UNITED STATES BANKRUPTCY JUDGE

Dated: November 23rd, 2020

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:

BLACKJEWEL, L.L.C., *et al.*
Debtors

**DAVID ENGELBRECHT, JOSIAH
WILLIAMSON, GREGORY MEFFORD on behalf
of themselves and all others similarly situated,**

Plaintiffs,

v.

BLACKJEWEL, L.L.C.,
Defendants.

**Chapter 11
Case No. 19-bk-30289
(Jointly Administered)**

**Adversary Proceeding
No. 3:19-ap-03002**

In re:

BLACKJEWEL, L.L.C., *et al.*
Debtors

**SHAWN ABNER, JACOB HELTON, AND BILLY
HATTON on behalf of themselves and all others
similarly situated,**

Plaintiffs,

**Chapter 11
Case No. 19-bk-30289
(Jointly Administered)**

**Adversary Proceeding
No. 3:19-ap-03003**

v.

**BLACKJEWEL, L.L.C., REVELATION
ENERGY, LLC, LEXINGTON COAL CO., LLC,
JEFF HOOPS, SR., JEFFERS A. HOOPS, II,**

Defendants.

**THIRD AGREED ORDER TO CONTINUE HEARING ON (I) JOINT
MOTION TO APPROVE SETTLEMENT AGREEMENT PURSUANT TO
BANKRUPTCY RULE 9019 AND (II) MOTION TO FILE UNDER SEAL SCHEDULE 1
AND EXHIBIT C TO THE SETTLEMENT AGREEMENT**

This matter came before the Court on (i) the *Joint Motion and Memorandum of Law in Support of Defendants and Proposed Class Representatives, Pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rules 7023 and 9019 to: (I) Approve the Settlement Agreement Pursuant to Bankruptcy Rule 9019, (II) Preliminarily Approve the Settlement Agreement Pursuant to Bankruptcy Rule 7023, (III) Certify the Class for Settlement Purposes, Including the Appointment of Class Counsel and the Class Representatives, (IV) Approve the Form and Manner of Notice to Class Members of the Settlement, (V) Schedule a Fairness Hearing to Consider Final Approval of the Settlement Agreement, (VI) Finally Approve The Settlement Agreement Following The Fairness Hearing, and (VII) Grant Related Relief* [Docket No. 61] (the “Settlement Motion”) and (ii) the *Joint Motion Pursuant to 11 U.S.C. §§ 105 and 107 and Fed. R. Bankr. P. 9018 for an Order Authorizing the Parties to File Under Seal Schedule 1 and Exhibit C to the Settlement Agreement* [Docket No. 63] (the “Motion to Seal”), each jointly filed by Blackjewel, L.L.C., and its affiliated debtors and debtors-in-possession (collectively, the “Debtors”), Plaintiffs David Engelbrecht, Josiah Williamson, Gregory Mefford, Shawn Abner, Jacob Helton, and Billy Hatton (the “Plaintiffs”), and Lexington Coal Co., LLC, Jeff Hoops, Sr., and Jeffery A. Hoops, II (the “Non-Debtor Defendants” and together with the

Debtors and the Plaintiffs, the “Movants”), and the Secretary of the United States Department of Labor (the “Secretary”) having filed an objection to the Settlement Motion [Case No. 19-30289, Docket No. 2417] (the “Objection”), and the Movants and the Secretary (together, the “Parties”), having agreed to adjourn the hearing on the Settlement Motion and Motion to Seal to a later date; and the Court having entered the *Agreed Order to Continue Hearing on (I) Joint Motion to Approve Settlement Agreement Pursuant to Bankruptcy Rule 9019 and (II) Motion to File Under Seal Schedule I and Exhibit C to the Settlement Agreement* [Docket No. 68] adjourning the hearing on the Settlement Motion and Motion to Seal to November 6, 2020; and the Court having entered the *Second Agreed Order to Continue Hearing on (I) Joint Motion to Approve Settlement Agreement Pursuant to Bankruptcy Rule 9019 and (II) Motion to File Under Seal Schedule I and Exhibit C to the Settlement Agreement* [Docket No. 73] adjourning the hearing on the Settlement Motion and Motion to Seal to December 2, 2020, and the Parties having been engaged in negotiations to resolve the matters addressed in the Settlement Motion, the Motion to Seal, and the Objection without Court intervention, have agreed to adjourn the hearing on the Settlement Motion and the Motion to Seal to a later date.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. To provide the Parties with time to continue their negotiations, the Parties have agreed to adjourn the hearing on the Settlement Motion and the Motion to Seal to the omnibus hearing date of **December 17, 2020 at 9:30 a.m.**
2. Nothing in this order shall be deemed to prohibit any Party from requesting a further continuance with respect to the Settlement Motion or the Motion to Seal.
3. The 14-day stay of effectiveness is waived.

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– and –

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Counsel for the Department of Labor

Abner,
Plaintiff
Blackjewel L.L.C.,
Defendant

Adv. Proc. No. 19-03003-BAK

CERTIFICATE OF NOTICE

District/off: 0425-3

User: llb

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Date Rcvd: Nov 23, 2020

Form ID: pdf001

Total Noticed: 8

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 25, 2020:

Recip ID	Recipient Name and Address
aty	+ Clint Carte, Mountain State Justice, 1217 Quarrier Street, Charleston, WV 25301-1809
smg	United States Attorney, Southern District WV, P.O. Box 1713, Charleston, WV 25326-1713
smg	WV Department of Tax & Revenue, Bankruptcy Unit, P.O. Box 766, Charleston, WV 25323-0766
dft	+ Blackjewel L.L.C., 1051 Main Street, Milton, WV 25541-1215
dft	+ Lexington Coal Co., LLC, Lexington Coal Co., LLC, 1051 Main Street, Suite 2, Milton, WV 25541-1215
dft	+ Revelation Energy, LLC, 1051 Main Street, Milton, WV 25541-1215

TOTAL: 6

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion04.ct.ecf@usdoj.gov	Nov 23 2020 20:10:00	U.S. Trustee, 2025 Robert C. Byrd U.S. Courthouse, 300 Virginia Street, East, Charleston, WV 25301-2503
ust	+ Email/Text: ustregion04.ct.ecf@usdoj.gov	Nov 23 2020 20:10:00	United States Trustee, 2025 Robert C. Byrd U.S. Courthouse, 300 Virginia Street, East, Charleston, WV 25301-2503

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 25, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 23, 2020 at the address(es) listed

District/off: 0425-3

User: llb

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Date Rcvd: Nov 23, 2020

Form ID: pdf001

Total Noticed: 8

below:

Name	Email Address
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Alexis Brooke Mattingly	on behalf of Defendant Jeff Hoops Sr. alexis.mattingly@dinsmore.com, tonya.skeens@dinsmore.com
Billy Ray Shelton	on behalf of Defendant Lexington Coal Co. LLC bshelton@sbhlegal.net
Bren J. Pomponio	on behalf of Plaintiff Shawn Abner bren@msjlaw.org miranda@msjlaw.org
Janet Smith Holbrook	on behalf of Defendant Jeff Hoops Sr. janet.holbrook@dinsmore.com, beth.blankenship@dinsmore.com
Janet Smith Holbrook	on behalf of Defendant Jeffers A. Hoops II janet.holbrook@dinsmore.com, beth.blankenship@dinsmore.com
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Samuel Brown Petsonk	on behalf of Plaintiff Billy Hatton sam@petsonk.com jackie@msjlaw.org
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TOTAL: 11